



Clean Energy Future Committee Meeting Minutes

Draft – for approval at the 02-24-2023 meeting

January 20, 2023

8:15 – 9:30 a.m.

Hybrid In-person / Remote Meeting

Members Present:

- In Person: Talia Fox and David Morgan (joined 9am)
- Remote: Nellie Aikenhead, Coralie Cooper (as Chair), Marc Breslow, Shelly Dein, James DiTullio, Eric Helmuth, Ryan Katofsky, Amos Meeks

Also attending: Gene Benson, Patrick Hanlon, Doug Heim (Town Counsel), Brucie Moulton, Jake Glickel

Coralie Cooper convened the meeting at 8:15 am. C. Cooper read a brief statement noting the legislation that permits virtual meetings.

1. Reminders re: Hybrid Virtual/In-Person Meeting Pilot

- if there is a technical failure, we will try to relaunch the meeting three times
- if we are unable to relaunch and there are more than 20 minutes left in the meeting, the CEFC will reconvene the following Friday
- if there are fewer than 20 minutes left, the CEFC will carry the remaining agenda items forward to next meeting
- T. Fox: mentioned can complete a survey after every meeting; at a minimum, please complete after first & last hybrid meetings in the pilot program
- D. Heim: reminder that hybrid meetings require a roll call vote of attendance and a roll call vote for all subsequent votes; roll call vote of attendance was taken.

2. Review and Approve 12/15/2022 Meeting Minutes

The Committee reviewed the draft minutes from the December 15, 2022 meeting. C. Cooper asked for any corrections, additions, or changes. One minor edit made. J. DiTullio moved to approve and R. Katofsky seconded. The Committee unanimously approved the December 15th meeting minutes with a voice vote.

3. CEFC Chair Transition

C. Cooper: the CEFC does not have hard and fast rules for the chair; she agreed to serve for about a year when she took over from Ken Pruitt and it has now been 18 months. She and Talia Fox spoke to a number of CEFC members, and Ryan Katofsky

graciously stepped forward to take the position; delighted to bring this vote to the committee. T. Fox extended a deep thanks to C. Cooper for support and leadership and accomplishments. S. Dein made motion to approve; J. DiTullio seconded. Unanimous voice vote of approval.

4. Specialized Stretch Code Campaign Update

- P. Hanlon reported on education and adoption: 24 communities in total are considering the Specialized Stretch and that includes 20% of the Commonwealths residents; Town of Brookline and the Cities of Watertown, Cambridge, and Somerville have already passed it. All of Arlington's regional neighbors, including Boston, Lexington, Belmont, and Winchester are considering the Specialized Stretch Code
 - The process of developing tools is proceeding fairly well. Advocates in Arlington are working with NEEP, Sierra Club, and MCAN, as well as other cities and towns, to produce model slides, handouts, FAQs, etc. The local advocate team is also developing a website, thinking about precinct meetings, and doing a public workshop in March.
 - P. Hanlon has already presented to Mothers Out Front; Sustainable Arlington has also had several presentations.
 - The building department, working with T. Fox, is planning to host a builder / contractor conversation on February 15 (won't be a public meeting – that will be held separately in March). Will need to look at the updated Stretch Code first to get people in the right place; not simply a matter of presenting the Specialized Stretch Code, will also educate participants about the changes that have already occurred.
- S. Dein: mentioned that a training session for contractors is a very important piece, and asked how the outreach will be conducted
- T. Fox has been in touch with Mike Ciampa, Arlington's Director of Inspectional Services about inviting contractors; he is trying to stick to the "regulars" who work within Arlington and is figuring out the best way to reach those folks; may not be traditional outreach, could come down to individual phone calls. It will be an info session and opportunity to ask questions and have a conversation rather than a traditional training.
- P. Hanlon: because updated (2023) Stretch Code now for the first time includes large additions / renovations, it is going to be very important to include and educate designers and architects who are typically involved in projects well before builders. Trying to get a presentation by Ellen Watts, a Wellesley architect and former president of the Boston Society of Architects who specializing in high performance buildings. Ellen has been successful in keeping presentations simple and avoiding talking about things not germane to the issue
- C. Cooper requests that CEFC be involved as we move forward, for example by reviewing the informational materials as they are developed. Suggested that we walk through a presentation of Stretch and Specialized Stretch at some point
- T. Fox recommends the NEEP summary documents of the residential and commercial codes, as well as their FAQ – straightforward and helpful.
- C. Cooper invited community members to ask questions / comments; none made

5. Next Steps for the Fossil Fuel Free Demonstration Pilot

- T. Fox provided a reminder of what CEFC has discussed to date:
 - Base Energy Code – all MA municipalities abide; updated 2023 Stretch Code, all Stretch Code communities, including Arlington, abide; Specialized Stretch Code is opt-in, requiring a Town Meeting vote; Fossil Fuel Free Demonstration Pilot would be in addition to and on top of the Specialized Stretch Code.
 - Pilot will include 10 communities; Arlington will apply
 - DOER has released draft regulation; for communities to be eligible they must have: 1) passed a home rule position banning fossil fuels, which Arlington has done (not yet effective as it's currently in front of the legislature); and 2) be at 10% affordable housing or have adopted a multi-family overlay district by-right, to meet affordable housing goals. Arlington will likely consider the overlay district at a fall Special Town Meeting, date TBD depending in part on state deadlines/requirements
 - Key state deadlines include:
 - 2/8/23 to submit verbal comment
 - 2/10/23 to submit written comments
 - 9/1/23 to submit a written letter of intent
 - 11/10/23 to submit a full application
 - 2/11/2024 to meet all eligibility requirements
 - Required materials include: copy of home rule petition, the multi-family bylaw, and a copy of our proposed fossil fuel free bylaw. DOER has provided a model fossil fuel bylaw; if we don't use it, we must explain and provide a rationale for all differences
 - State suggests adopting the Specialized Stretch, then eliminating the mixed fuel options allowed, with some exceptions
- D. Heim (and others) pointed out that the state requirements are not crystal clear. For example, it is not clear if we will need to submit a September letter of intent as we already did that in fall 2022, in order to ensure we would keep our priority place. D. Heim is waiting for clarification from the state
- C. Cooper asked if any particular reason we need to supply written comments; T. Fox yes, DOER has requested any interested community supply comments in a formal capacity. Town has some thoughts on deadlines, and things that are confusing in the model rule DOER has developed, and will include that type of feedback in the comments
- P. Hanlon: already signed up for hearing on 2/8/23; will be speaking as an individual, not on behalf of the Town; personally, feels there are a lot of issues in whether or not DOER language will accomplish what it wants to accomplish and also not clear on what exactly need to do to meet regulations: i.e., the previously mentioned letter of intent... need clarification on a bunch of stuff
- T. Fox: there are no requirements for the CEFC to do anything during Spring TM but might want to. We already have a Town Meeting-approved bylaw, but it's not on the books yet. Might want to consider adopting the model bylaw instead, for consistency's sake. Can wait until Fall Special Town Meeting, but we might want to consider sooner.
- D. Heim provided a general summary:

- Process: Arlington passed our own special fossil fuel free legislation in fall 2020, at which point Brookline's legislation had already been rejected by the AG. The broader community interested in the issue then got together to produce legislation to allow the pilot program. It's an amazing success story to have gotten home rule authority over an issue where there is entrenched opposition and strong interest of State to retain control.
 - Now issue is how to get local approval – and it's not clear why Specialized Stretch Code would be subject to local approval when it is really something designed to eliminate fossil fuels, and Arlington already passed a bylaw eliminating fossil fuels.
 - To be eligible to be part of the pilot program, must either be at 10% affordable housing, which Arlington is not, or need to have adopted a multi-family as-of-right district. Town had Safe Harbor status due to the proposed 40B on the Mirak site, but there were not enough units in the pipeline to preserve that status, which only lasted one year. The bottom line is most important thing we need do to get into the pilot program is meet the affordable housing requirements, likely via the addition of the multi-family zoning amendment, which is required to meet the MBTA Communities law and which the Planning Department will be working to pass to comply with the law anyway.
 - For purposes of eligibility, Town would like clarification that we can use our existing bylaw and submit application by November 10th
 - Competing definitions within model bylaw. Would prefer some things to have more uniform definitions. For example "Major Renovations" in Arlington, triggers other requirements.
 - Another question is if we want to submit a draft bylaw or just wait until the fall Special Town Meeting. These are draft regulations, and the model bylaw could very well change... drafting a bylaw based on draft regulations is a bit unusual.
 - P. Hanlon: our bylaw is close to what DOER wants. The exemptions are similar except for wood pellets, which we hadn't thought about until now. The biggest difference is that DOER model bylaw eliminates fossil fuels for cooking (by statute – to meet the fossil fuel free definition passed in the state law allowing for this pilot program), and our bylaw lists cooking as an exemption.
- Discussion about whether and how the CEFC should endorse the written comments due to DOER on 2/10/23:
 - D. Heim: either a comment on the pilot program procedure from the CEFC or a CEFC endorsement of a comment from another entity would be helpful
 - C. Cooper noted there is not much time to consider a vote to endorse comments by Feb 10th; D. Heim stated one possibility is for CEFC to participate by authorizing the chair, or town counsel, or certain member, to submit comments on behalf of the CEFC
 - T. Fox noted she will be drafting the comments no matter what; CEFC vote isn't likely to change the content, it's just an endorsement. If CEFC votes yes, it might be represented on the letter and if not, it won't. Letter is going in anyway.

- Ultimately decided T. Fox and D. Heim will draft comments and bring them back to committee chair, at which point CEFC can decide on next steps. If needed, the group will discuss endorsements at a potential short CEFC meeting on 2/3/23 (hold the date)
- R. Katofsky: noted that the focus of the CEFC will be the substance of the comments, and that the exemptions list will likely generate the most friction
- D. Heim suggested we could emphasize that the exemptions should be within the Town purview as they are a local concern. Could propose a laboratory type experiment for each of the pilot communities to figure out what works.

6. Electrify Arlington updates: out of time; C. Cooper will send an email on the topic

Talia pointed out 2/24 meeting is next unless we meet 2/3; five weeks away

Shelly Dein moved to end the meeting and R. Katofsky seconded. Unanimous voice vote. The meeting was adjourned at 9:36.

Submitted by Nellie Aikenhead